

SUPERFUND MEMORANDUM OF AGREEMENT  
BETWEEN THE  
MINNESOTA POLLUTION CONTROL AGENCY  
AND THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION V

I. Purpose

The Minnesota Pollution Control Agency (MPCA) and the United States Environmental Protection Agency, Region V (Region V) entered into an amended Superfund Memorandum of Agreement (SMOA), effective December 2, 1994. Among other things, the SMOA establishes operating procedures for general Superfund program coordination and communication between the MPCA and Region V. Pursuant to Part II, B. of the SMOA, "the MPCA is the designated lead agency for remedial activities at... voluntary investigation and cleanup sites in the State of Minnesota." The purpose of this addendum is to further define the roles and responsibilities of Region V and the MPCA with respect to activities conducted under the authority of the MPCA, Voluntary Investigation and Cleanup (VIC) Program.

II. Background

Region V and the MPCA believe that the revitalization of contaminated, or potentially contaminated, properties (often referred to as "Brownfields") will provide a significant benefit to both the environment and the economy of the local communities. To the extent possible, Region V and the MPCA seek to facilitate the productive use of industrial and commercial properties by addressing the existing regulatory impediments to the financing, transfer and appropriate use of these properties. Both agencies recognize that a key factor to meet this goal is to exercise their authorities and use their resources in ways that are mutually complementary and are not duplicative. In particular, Region V and the MPCA seek to protect human health and environment by encouraging the voluntary investigation and cleanup of properties in Minnesota, by implementing the following strategic goals:

1. Promoting appropriate investigations and cleanups by parties participating in the VIC Program;
2. Developing partnerships between Region V, the MPCA, other state and local governmental agencies, and key external stakeholders in Minnesota, including representatives from citizen/community groups and the private sector; and

3. Providing necessary information to the key stakeholders in Minnesota to allow for informed decision-making by property owners, prospective purchasers, lenders, public and private developers, citizens, municipalities, counties and elected officials.

In order to accomplish these goals, Region V intends to assist and support the MPCA in further developing and expanding the use of the VIC Program. Region V recognizes that the VIC Program has been a leader in developing and implementing successful strategies to help promote the voluntary investigation and cleanup of under-utilized properties. Similarly, the MPCA intends to assist and support efforts to promote and implement Region V's "Brownfield" initiatives. The MPCA recognizes Region V as a key partner in the ongoing success of state voluntary cleanup programs, including the VIC Program and the role of Region V in addressing the uncertainty of financing, transferring and developing "Brownfields" sites by quantifying the risks of federal liability.

### III. Principles

When a site in Minnesota has been investigated or remediated in accordance with the practices and procedures of the VIC Program and the MPCA has issued a "no action" determination for the site, upon review and approval of an investigation report or a response action plan, or the MPCA has issued a "certificate of completion" for the site, Region V will not plan or anticipate any federal action under Superfund law unless, in exceptional circumstances, the site poses an imminent and substantial endangerment or emergency situation. Further, if through the course of an investigation conducted in accordance with the practices and procedures of the VIC Program, the MPCA issues an "off-site source" determination, Region V will not plan or anticipate any federal action with respect to the parties covered by the MPCA determination. The Region V decision not to take federal action, unless the site poses an imminent and substantial endangerment or emergency, will apply to both past and future MPCA determinations. In all cases, the Region V decision will be based strictly on the information available at the time of the MPCA determination.

Region V will continue to work with the MPCA to remove any concerns about federal activity under Superfund so as to encourage the financing, transfer and appropriate redevelopment and use of industrial and commercial property. In addition, Region V, will continue to provide technical assistance and, at its discretion, financial support to local and state governmental agencies in order to facilitate the revitalization of contaminated or potentially contaminated properties in Minnesota.

### IV. Reporting

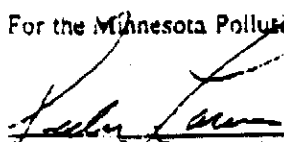
On an annual basis the MPCA will report to Region V on the following:

1. number of sites in the VIC Program;
2. sites entering the VIC Program the previous year; and

3 sites having received approvals by the MPCA of full or partial completions in the previous year.

This addendum has been developed by mutual cooperation and consent and, hereby becomes an integral and "incorporated" part of the Agreement:

For the Minnesota Pollution Control Agency

  
Charles W. Williams, Commissioner  
Minnesota Pollution Control Agency

4-20-75  
Date

For the Environmental Protection Agency:

  
Valdas V. Adamkus, Regional Administrator

5/3/95  
Date